



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #EWS-06-004

TITLE: Support for S. 1439, the Indian Trust Reform Act of 2005 and Settlement of the "Cobell" Class Action Trust Fund Accounting Litigation

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WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the federal government has a longstanding comprehensive trust responsibility to Indian tribes based on treaties, the United States Constitution, federal statutes, executive orders and judicial decisions; and

WHEREAS, the issue of whether the federal government has violated its trust responsibilities to Individual Indian Money account holders has been in litigation since 1996, under what is now named the Cobell v. Norton case; and

WHEREAS, significant financial and human resources have been diverted by DOI in response to the litigation; and

WHEREAS, the contentiousness of the litigation is creating an atmosphere that impedes the ability of tribes and the DOI to work together in a government-to-government relationship and address other pressing needs confronting Indian country; and

WHEREAS, the litigation and historical accounting are severely impacting the capacity of the Bureau of Indian Affairs to deliver services to tribal communities and to support the federal policy of tribal self-determination; and

WHEREAS, Indian tribes have significant concerns about the growth of the Office of Special Trustee into a large bureaucracy that far exceeds its intended mission and impedes the delivery of realty services in Indian country; and

WHEREAS, Senators McCain and Dorgan introduced S. 1439, the "Indian Trust Reform Act of 2005," on July 20, 2005 and Congressmen Pombo and Rahall introduced an identical bill, H.R. 4322, on November 15, 2005; and

WHEREAS, there is strong support among tribal leaders for the Title III, the Indian trust asset management plans, Title IV, the incentives for land consolidations,

Title V, the reorganization of the BIA and OST under a single line of authority, and Title VI, procedures for auditing; and

WHEREAS, Title I proposes to settle the Cobell litigation and creates a methodology for distribution but does not specify an amount; and

WHEREAS, given the timeframes for the 109th Congress and the pending changes in Committee leadership, there is concern about the lack of progress in coming to a realistic and politically achievable settlement proposal for the Cobell litigation under Title I.

NOW THEREFORE BE IT RESOLVED, that the NCAI supports S. 1439 and H.R. 4322 and the efforts of Senators McCain and Dorgan and Congressmen Pombo and Rahall in introducing the legislation and encourages Congress to continue to consult with Indian Country concerning technical amendments to the legislation; and

BE IT FURTHER RESOLVED, that NCAI strongly urges the Cobell plaintiffs and the Department of Interior and the Congress to increase their efforts to develop a viable settlement proposal for the Cobell litigation and settlement options that are understandable and will engage the participation of individual Indian account holders; and

BE IT FINALLY RESOLVED, that the NCAI urges the Senate Committee on Indian Affairs and the House Resources Committee to move forward with a mark up of the legislation based on the comments received from Indian country and to develop a more definitive settlement proposal for Title I.

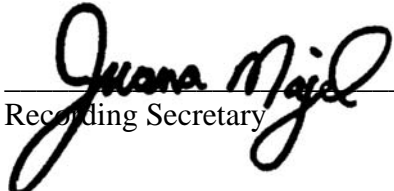
CERTIFICATION

The foregoing resolution was adopted at the Winter Session of the National Congress of American Indians, held at the Wyndham Washington, D.C. on February 27, 2006 with a quorum present.



President

ATTEST:



Recording Secretary